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June 3, 2008

VIA FACSIMILE: 212-805-7901

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The Hon. Harold Baer  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan US Courthouse  
500 Pearl Street, Room 2230  
New York, NY 10007

Re: PINK GOOSE (CAYMAN) LTD. v. SUNWAY TRADERS LLC, et al,  
08 CV 02351 (HB)

Dear Judge Baer:

We represent defendant Sunway-Group Co. Ltd in the above captioned matter. We write to comment on Plaintiff's letter to the Court last evening, requesting leave of the Court to file a short sur-reply declaration prepared by Plaintiff's English solicitor.

When asked, yesterday, if we had any objection to the filing of this new declaration, we responded as follows:

Quote

As the rules do not provide for a sur-reply, we must object to same. For the record we object to your filing same, particularly so long after our reply papers for which we had only one-week to prepare after your opposition papers were filed, and for which the Court refused any extension of time. We shall object to this sur-reply "reply" being considered by the Court some 17 days after our reply papers and only two days before the hearing. Please do fully advise the Court of our position on this matter should you decide to go forward nevertheless.

Unquote

Plaintiff has also mis-characterized the previous accommodations provided in this case.

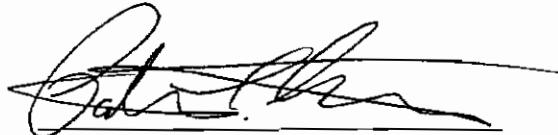
The first extension of the Court's original briefing order was desired and agreed to by both parties in concert as neither of us thought the matter could be effectively briefed in the expedited schedule set forth in the Court's original order. The second request for an extension of time, for four (4) days, was requested by Defendant for filing the reply papers, and although graciously agreed to by Plaintiff, that extension was not granted by the Court.

We point out, in any case, that time extensions between counsel is a matter of professional courtesy we would almost always graciously grant to our colleagues. Allowing additional briefing beyond the rules, as in Plaintiff's request to file a sur-reply, is a different matter entirely.

This facsimile is being simultaneously transmitted to Plaintiff's attorneys. No hard copy will follow.

We thank the Court for its courtesy and cooperation in this matter.

Respectfully submitted,



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I have your  
view I agree  
received rules for  
Federal Rules & the  
the life of our  
Court for if it's not  
replies, if the rules I can't  
in the rules I can't  
+ won't accept it -

NO ORDERED:  
Dated 6/3/08  
Harold Baer, Jr., U.S.D.J.  
Date: 6/3/08

Endorsement:

I share your view I have reviewed the Federal Rules and for the life of me can't find a sur reply; if its not in the rules I can't and won't accept it.